

AMENDED IN SENATE APRIL 2, 2008

SENATE BILL

No. 1509

Introduced by Senator Lowenthal

February 21, 2008

An act to add Sections 241.5 and 243.65 to the Penal Code, relating to crimes against highway workers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1509, as amended, Lowenthal. Highway workers: assault and battery.

Existing law establishes the offense of assault, and provides for various species of assault against specified persons.

This bill would provide that when an assault is committed against a highway worker, as defined, engaged in the performance of his or her duties and the person committing the offense knows or reasonably should know that the victim is a highway worker engaged in the performance of his or her duties, the offense shall be punishable by a fine not to exceed \$2,000, or by imprisonment in a county jail up to one year, or by both that fine and imprisonment.

By creating a new crime, this bill would impose a state-mandated local program.

Existing law establishes the offense of battery, and provides for various species of battery against specified persons.

This bill would provide that when a battery is committed against the person of a highway worker engaged in the performance of his or her duties and the person committing the offense knows or reasonably should know that the victim is a highway worker engaged in the performance of his or her duties, the offense shall be punished by a fine not exceeding \$10,000, or by imprisonment in a county jail not

exceeding one year, or by both that fine and imprisonment. ~~The bill would also provide that if an injury is inflicted on the victim, the offense shall be punished by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year or in the state prison, or by both that fine and imprisonment.~~

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 241.5 is added to the Penal Code, to read:
2 241.5. (a) When an assault is committed against a highway
3 worker engaged in the performance of his or her duties and the
4 person committing the offense knows or reasonably should know
5 that the victim is a highway worker engaged in the performance
6 of his or her duties, the offense shall be punishable by a fine not
7 to exceed two thousand dollars (\$2,000) or by imprisonment in a
8 county jail up to one year or by both that fine and imprisonment.
9 (b) As used in this section, "highway worker" means an
10 employee or contractor of the California Department of
11 Transportation.
12 SEC. 2. Section 243.65 is added to the Penal Code, to read:
13 243.65. (a) When a battery is committed against the person
14 of a highway worker engaged in the performance of his or her
15 duties and the person committing the offense knows or reasonably
16 should know that the victim is a highway worker engaged in the
17 performance of his or her duties the offense shall be punished by
18 a fine not exceeding ten thousand dollars (\$10,000), or by
19 imprisonment in a county jail not exceeding one year, or by both
20 that fine and imprisonment. ~~If an injury is inflicted on that victim,~~
21 ~~the offense shall be punished by a fine not exceeding ten thousand~~
22 ~~dollars (\$10,000), or by imprisonment in a county jail not~~

1 ~~exceeding one year or in the state prison, or by both that fine and~~
2 ~~imprisonment.~~

3 (b) As used in this section, “highway worker” means an
4 employee or contractor of the California Department of
5 Transportation.

6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.